



P23844.A02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sherwood CREEDLE et al.

Group Art Unit: 3629

Appln. No. : 10/673,142

Examiner: Not Known

Filed : September 12, 2003

For : ADMINISTERING A CONTRACT OVER A DATA NETWORK

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56, §1.97-1.98, and supplemental to the Information Disclosure Statement filed on December 29, 2003, Applicants hereby bring the following additional information to the Examiner's attention. The Examiner is respectfully requested to consider the information presented herein in determining patentability of Applicants' invention in connection with the applicable patent statutes including 35 U.S.C. §§ 102 and 103.

Applicants note that prior to October 4, 2001, *i.e.*, more than one year prior to October 4, 2002, the filing date of provisional patent application 60/415,762, of which the present application claims priority, Applicants were involved in a number of activities directed to the conception and development of their invention in regard to network-based contract administration (referred to as "GCPay"). These activities included contracting with two software companies (and executing corresponding confidentiality agreements) to develop the invention and meeting confidentially with

industry representatives regarding the desirability of such a system.

In particular, the assignee of the present application, Hart Business Solutions ("HBS"), entered into an agreement with a first software company, according to which the first software company would design and write computer software based on the general concepts provided by inventors Sherwood Creedle and Michael Petersen. The first software company also executed a confidentiality agreement with Sherwood Creedle and Michael Petersen.

The first software company engaged in gathering information on the construction contracting industry, including obtaining and reviewing standard industry forms and interviewing a general contractor regarding typical administration of contracts. The first software company did not develop any aspect of the present invention or provide any written software for implementing the invention. HBS terminated the relationship with the first software company.

Still further, more than one year prior to October 4, 2002, HBS then entered into an agreement with a second software company, CapTech Ventures, Inc. ("CapTech"). According to this agreement, CapTech would design, develop, test and implement GCPay based on the general concepts provided by Sherwood Creedle and Michael Petersen. CapTech also executed a non-disclosure agreement with Sherwood Creedle and Michael Petersen.

Subsequently, HBS and CapTech jointly presented an overview of certain general ideas underlying the invention (*e.g.*, tracking and administering contract administration among contractors and subcontractors over the Internet) to a group of two general contractors and one subcontractor, all of whom were personally invited to the presentation as existing clients of one of the Applicants (*i.e.*, Sherwood Creedle). The purpose of the meeting was to gather feedback and to determine

whether such a product, if developed, would be considered a useful tool in the industry.

The meeting was not open to the public and each of the attendees was informed that the information presented during the meeting was confidential and proprietary. Further, one of the attending general contractors had previously entered into a confidentiality agreement with Sherwood Creedle and Michael Petersen. During the meeting, each of the attendees received a copy of a PowerPoint presentation of the proposed concept, a copy of which is attached hereto. (Note that the date appearing in the lower left corner on certain pages of the PowerPoint presentation indicates the date on which it was most recently printed.) The copies of the PowerPoint presentation were collected from the attendees at the conclusion of the meeting, and the PowerPoint presentation was never publicly distributed. At the time of the meeting, no software code been developed or written. Moreover, there was no discussion of price at the meeting.

Following the meeting, Michael Petersen and Sherwood Creedle of HBS and Tom Obermeyer and Eric Kukanic of CapTech worked jointly on GCPay, for which CapTech wrote the computer code. Applicants had further informal contacts with the meeting attendees, in which Applicants gathered details regarding the performance and administration of construction contracts. During this time period, there were no discussions of price and no further discussions of whether the general idea would be considered valuable to the industry with these meeting attendees. Public testing of GCPay did not occur until after October 4, 2001.

Applicants respectfully request that the Examiner consider the above information. A copy of the above-noted PowerPoint presentation is attached and has been listed on a PTO-1449 Form, which is also attached hereto. Accordingly, the Examiner is requested to initial the appropriate

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spaces on the attached PTO-1449 Form and to return a copy of the Form to the Applicants with the next official communication in the present application to confirm consideration of this document.

Applicants note that an Office Action on the merits has not yet issued in the instant application. Therefore, no fee is necessary to ensure consideration of this statement.


Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Sherwood CREEDLE et al.

A handwritten signature in black ink, appearing to read 'V-C-B', is written over a horizontal line.

Bruce H. Bernstein  
Reg. No. 29,027

March 31, 2004  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

Form PTO 440 	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. P23844	Serial No. 10/673,142
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant Sherwood CREEDLE et al.	
		Filing Date September 12, 2003	Group 3629

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

1	Power Point presentation of Hart Business Solutions, presents GCPAY.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.